

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

| | |
|---|---|
| In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation | MDL No. 2875 |
| This document relates to: | Honorable Robert B. Kugler, District Court Judge |
| Case No: -CV- | |
| ANDREW MONTZ | Honorable Joel Schneider, Magistrate Judge |
| Plaintiff 1: | |
| Plaintiff 2: | |
| Plaintiff 3: | |
| Plaintiff 4: | |

SHORT FORM COMPLAINT

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in Plaintiffs' Master Personal Injury Complaints for Valsartan (ECF No. 122), Losartan (ECF No. 682), and Irbesartan (ECF No. 683), MDL 2875 in the United States District Court for the District of New Jersey, Camden Vicinage. Plaintiff(s) file this Short Form Complaint as permitted by Case Management Order Nos. 3, 9, 13, 13B, and 19 of this Court.

In addition to those causes of action contained in Plaintiffs' Master Long Form Complaints as referenced above, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

I. IDENTIFICATION OF PLAINTIFF(S)

- 1. Name of individual who alleges injury due to use of a valsartan, losartan, and/or irbesartan-containing drug:**

ANDREW MONTZ

Plaintiff 1:

Plaintiff 2:

Plaintiff 3:

Plaintiff 4:

2. This claim is being brought on behalf of

☒ Myself

☐ Someone else

- a. If I checked, "someone else", this claim is being brought on behalf of:

b. My relationship to the person in 2(a) is:

N/A

3. **Consortium Claim(s): The following individual(s) allege damages for loss of consortium:**

N/A

4. **County and state of residence of Plaintiff or place of death of Decedent:**

County: Middlesex

State: CT

5. **If a survival and/or wrongful death claim is asserted:**

- a. **Name of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.):**

| Name of the Individual(s) | Status |
|---------------------------|--------|
| N/A | |
| | |
| | |
| | |

II. IDENTIFICATION OF DEFENDANTS

1. Plaintiff brings these claims as a result of developing injuries as a result of taking the following medications:

| | Medication(s) Taken (Check all that apply) |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Valsartan-Containing Drugs (VCDs) |
| <input type="checkbox"/> | Losartan-Contain Drugs (LCDs) |
| <input type="checkbox"/> | Irbesartan-Containing Drugs (ICDs) |

2. Plaintiff(s) bring claims against the following Defendants related to his or her ingestion of Valsartan:

*(*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)*

i. API Manufacturers

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|-------------------------------------|--|-----------|
| <input type="checkbox"/> | API Manufacturer | Aurobindo Pharma, Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer Parent Corporation | Hetero Drugs, Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer | Hetero Labs, Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer | Mylan Laboratories Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer Parent Corporation | Mylan N.V. | Foreign |
| <input type="checkbox"/> | API Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign |
| <input checked="" type="checkbox"/> | API Manufacturer | John Doe | N/A |

ii. Finished Dose Manufacturers

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|----------------------------|--|-----------|
| <input type="checkbox"/> | Finished Dose Manufacturer | Arrow Pharm (Malta) Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Aurolife Pharma, LLC | NJ |
| <input type="checkbox"/> | Finished Dose Manufacturer | Hetero Labs, Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Mylan Pharmaceuticals Inc. | WV |
| <input type="checkbox"/> | Finished Dose Manufacturer | Teva Pharmaceutical Industries, Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Torrent Pharmaceuticals, Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | John Doe | N/A |

iii. Repackagers, Labelers, and Distributors

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|---|--------------------------------|-----------|
| <input type="checkbox"/> | Labeler/ Distributor | Aceteris, LLC | NJ |
| <input type="checkbox"/> | Finished Dose Distributor | Actavis, LLC | NJ |
| <input type="checkbox"/> | Finished Dose Distributor | Actavis Pharma, Inc. | NJ |
| <input type="checkbox"/> | Repackager | A-S Medication Solutions, LLC* | NE |
| <input type="checkbox"/> | Finished Product Distributor | Aurobindo Pharma USA, Inc. | NJ |
| <input type="checkbox"/> | Repackager | AvKARE, Inc. | TN |
| <input type="checkbox"/> | Repackager | Bryant Ranch Prepack, Inc.* | PA |
| <input type="checkbox"/> | Labeler/Distributor | Camber Pharmaceuticals, Inc. | NJ |
| <input type="checkbox"/> | Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals | Cardinal Health, Inc.* | OH |

| | | | |
|-------------------------------------|---------------------------------------|---|-----|
| <input type="checkbox"/> | Repackager | The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals* | MI |
| <input type="checkbox"/> | Repackager | H J Harkins Co., Inc. | CA |
| <input type="checkbox"/> | API Distributor | Huahai U.S. Inc. | NJ |
| <input type="checkbox"/> | Repackager | Northwind Pharmaceuticals* | IN |
| <input type="checkbox"/> | Repackager | NuCare Pharmaceuticals, Inc.* | CA |
| <input type="checkbox"/> | Repackager | Preferred Pharmaceuticals, Inc. | CA |
| <input type="checkbox"/> | Repackager | RemedyRepack, Inc. | PA |
| <input type="checkbox"/> | Finished Dose Distributor | Solco Healthcare U.S., LLC | NJ |
| <input type="checkbox"/> | Finished Dose Distributor | Teva Pharmaceuticals USA, Inc. | PA |
| <input type="checkbox"/> | Finished Dose Distributor | Torrent Pharma, Inc. | NJ |
| <input checked="" type="checkbox"/> | Labeler/Distributor/Repackager | John Doe | N/A |

iv. Wholesaler Defendants

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|-----------------------|-------------------------------|------------------|
| <input type="checkbox"/> | Wholesaler | AmerisourceBergen Corporation | PA |
| <input type="checkbox"/> | Wholesaler | Cardinal Health, Inc. | OH |
| <input type="checkbox"/> | Wholesaler | McKesson Corporation | TX |
| <input checked="" type="checkbox"/> | Wholesaler | John Doe | N/A |

v. Pharmacies

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|-----------------------|---------------------------|------------------|
| <input type="checkbox"/> | Pharmacy | Albertsons Companies, LLC | ID |
| <input type="checkbox"/> | Pharmacy | CVS Pharmacy, Inc. | RI |
| <input type="checkbox"/> | Pharmacy | Express Scripts, Inc. | MO |
| <input type="checkbox"/> | Pharmacy | Humana Pharmacy, Inc. | KY |
| <input type="checkbox"/> | Pharmacy | OptumRx | CA |
| <input checked="" type="checkbox"/> | Pharmacy | Rite Aid Corp. | PA |
| <input checked="" type="checkbox"/> | Pharmacy | Walgreens Boots Alliance | IL |
| <input type="checkbox"/> | Pharmacy | Wal-Mart, Inc. | AR |
| <input checked="" type="checkbox"/> | Pharmacy | John Doe | N/A |

vi. FDA Liaisons

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|----------------|-------------------------------|-----------|
| <input type="checkbox"/> | FDA Liaison | Hetero USA, Inc. | NJ |
| <input type="checkbox"/> | FDA Liaison | Princeton Pharmaceutical Inc. | NJ |
| <input checked="" type="checkbox"/> | FDA Liaison | John Doe | N/A |

3. Plaintiff(s) bring claims against the following Defendants related to his or her ingestion of Losartan.

*(*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)*

i. API Manufacturers

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|--|--|-----------|
| <input type="checkbox"/> | API Manufacturer Parent Corporation | Hetero Drugs, Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer | Hetero Labs, Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer | John Doe | N/A |

ii. Finished Dose Manufacturers

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|----------------------------|--|-----------|
| <input type="checkbox"/> | Finished Dose Manufacturer | Hetero Labs, Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Macleods Pharmaceuticals, Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Macleods Pharma USA, Inc. | NJ |
| <input type="checkbox"/> | Finished Dose Manufacturer | Sandoz, Inc. | NJ |
| <input type="checkbox"/> | Finished Dose Manufacturer | Teva Pharmaceutical Industries, Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Torrent Pharmaceuticals, Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Vivimed Life Sciences Pvt. Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | John Doe | N/A |

iii. Repackagers, Labelers, and Distributors

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|---|---|-----------|
| <input type="checkbox"/> | Finished Dose Distributor | Actavis, LLC | NJ |
| <input type="checkbox"/> | Finished Dose Distributor | Actavis Pharma, Inc. | NJ |
| <input type="checkbox"/> | Repackager | AvKARE, Inc. | TN |
| <input type="checkbox"/> | Labeler/Distributor | Camber Pharmaceuticals, Inc. | NJ |
| <input type="checkbox"/> | Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals | Cardinal Health, Inc.* | OH |
| <input type="checkbox"/> | Repackager | Golden State Medical Supply, Inc. (GSMS) | CA |
| <input type="checkbox"/> | Repackager | The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals | MI |
| <input type="checkbox"/> | Repackager | Heritage Pharmaceuticals, Inc. d/b/a Avet Pharmaceuticals | NJ |
| <input type="checkbox"/> | Repackager | H J Harkins Co., Inc. d/b/a PharmaPac | CA |
| <input type="checkbox"/> | API Distributor | Huahai U.S. Inc. | NJ |
| <input type="checkbox"/> | Repackager | Legacy Pharmaceutical Packaging, LLC | MO |
| <input type="checkbox"/> | Repackager | Major Pharmaceuticals | MI |
| <input type="checkbox"/> | Repackager | Preferred Pharmaceuticals, Inc. | CA |
| <input type="checkbox"/> | Repackager | RemedyRepack, Inc. | PA |
| <input type="checkbox"/> | Finished Dose Distributor | Solco Healthcare U.S., LLC | NJ |
| <input type="checkbox"/> | Finished Dose Distributor | Teva Pharmaceuticals USA, Inc. | PA |
| <input type="checkbox"/> | Finished Dose Distributor | Torrent Pharma, Inc. | NJ |
| <input type="checkbox"/> | Labeler/Distributor/Repackager | John Doe | N/A |

iv. Wholesaler Defendants

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|----------------|-------------------------------|-----------|
| <input type="checkbox"/> | Wholesaler | AmerisourceBergen Corporation | PA |
| <input type="checkbox"/> | Wholesaler | Cardinal Health, Inc. | OH |
| <input type="checkbox"/> | Wholesaler | McKesson Corporation | TX |
| <input type="checkbox"/> | Wholesaler | John Doe | N/A |

v. Pharmacies

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|----------------|---------------------------|-----------|
| <input type="checkbox"/> | Pharmacy | Albertsons Companies, LLC | ID |
| <input type="checkbox"/> | Pharmacy | CVS Pharmacy, Inc. | RI |
| <input type="checkbox"/> | Pharmacy | Express Scripts, Inc. | MO |
| <input type="checkbox"/> | Pharmacy | Humana Pharmacy, Inc. | KY |
| <input type="checkbox"/> | Pharmacy | OptumRx | CA |
| <input type="checkbox"/> | Pharmacy | Rite Aid Corp. | PA |
| <input type="checkbox"/> | Pharmacy | Walgreens Boots Alliance | IL |
| <input type="checkbox"/> | Pharmacy | Wal-Mart, Inc. | AR |
| <input type="checkbox"/> | Pharmacy | John Doe | N/A |

vi. FDA Liaisons

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|----------------|------------------------------|-----------|
| <input type="checkbox"/> | FDA Liaison | Hetero USA, Inc. | NJ |
| <input type="checkbox"/> | FDA Liaison | Prinston Pharmaceutical Inc. | NJ |
| <input type="checkbox"/> | FDA Liaison | John Doe | N/A |

4. Plaintiff(s) bring claims against the following Defendants related to his or her ingestion of Irbesartan.

*(*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)*

i. API Manufacturers

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|------------------|--|-----------|
| <input type="checkbox"/> | API Manufacturer | Aurobindo Pharma, Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign |
| <input type="checkbox"/> | API Manufacturer | John Doe | N/A |

ii. Finished Dose Manufacturers

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|----------------------------|--|-----------|
| <input type="checkbox"/> | Finished Dose Manufacturer | Aurolife Pharma, LLC | NJ |
| <input type="checkbox"/> | Finished Dose Manufacturer | ScieGen Pharmaceuticals, Inc., U.S. | NY |
| <input type="checkbox"/> | Finished Dose Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign |
| <input type="checkbox"/> | Finished Dose Manufacturer | John Doe | N/A |

iii. Repackagers, Labelers, and Distributors

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|--------------------------------|--|-----------|
| <input type="checkbox"/> | Repackager | Golden State Medical Supply, Inc. (GSMS) | CA |
| <input type="checkbox"/> | Finished Dose Distributor | Westminster Pharmaceuticals | TN |
| <input type="checkbox"/> | Labeler/Distributor/Repackager | John Doe | N/A |

iv. Wholesaler Defendants

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|----------------|-------------------------------|-----------|
| <input type="checkbox"/> | Wholesaler | AmerisourceBergen Corporation | PA |
| <input type="checkbox"/> | Wholesaler | Cardinal Health, Inc. | OH |
| <input type="checkbox"/> | Wholesaler | McKesson Corporation | TX |
| <input type="checkbox"/> | Wholesaler | John Doe | N/A |

v. Pharmacies

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|----------------|---------------------------|-----------|
| <input type="checkbox"/> | Pharmacy | Albertsons Companies, LLC | ID |
| <input type="checkbox"/> | Pharmacy | CVS Pharmacy, Inc. | RI |
| <input type="checkbox"/> | Pharmacy | Express Scripts, Inc. | MO |
| <input type="checkbox"/> | Pharmacy | Humana Pharmacy, Inc. | KY |
| <input type="checkbox"/> | Pharmacy | OptumRx | CA |
| <input type="checkbox"/> | Pharmacy | Rite Aid Corp. | PA |
| <input type="checkbox"/> | Pharmacy | Walgreens Boots Alliance | IL |
| <input type="checkbox"/> | Pharmacy | Wal-Mart, Inc. | AR |
| <input type="checkbox"/> | Pharmacy | John Doe | N/A |

vi. FDA Liaisons

| | Defendant Role | Defendant Name | HQ States |
|--------------------------|----------------|-------------------------------|-----------|
| <input type="checkbox"/> | FDA Liaison | Princeton Pharmaceutical Inc. | NJ |
| <input type="checkbox"/> | FDA Liaison | John Doe | N/A |

III. JURISDICTION AND VENUE

7. Jurisdiction is based on:

- ☒ Diversity of Citizenship
☐ Other as set forth below:

8. Venue: District and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint, absent the Direct Filing Order entered by this Court: _____ District of CT

IV. PLAINTIFF'S INJURIES

9. Injuries: Plaintiff was diagnosed with the following type of cancer:

| | | | |
|--------------------------|-----------------|-------------------------------------|---------------|
| <input type="checkbox"/> | Liver | <input type="checkbox"/> | Kidney |
| <input type="checkbox"/> | Stomach | <input type="checkbox"/> | Colorectal |
| <input type="checkbox"/> | Pancreatic | <input type="checkbox"/> | Esophageal |
| <input type="checkbox"/> | Small Intestine | <input checked="" type="checkbox"/> | Other: Kidney |

CAUSES OF ACTION

10. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaints and Jury Demand* as if fully set forth herein.

11. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by Plaintiff(s):

- ☒ Count I: Strict Liability – Manufacturing Defect
- ☒ Count II: Strict Liability – Failure to Warn
- ☒ Count III: Strict Liability – Design Defect
- ☒ Count IV: Negligence
- ☒ Count V: Negligence Per Se
- ☐ Count VI: Breach of Express Warranty
- ☒ Count VII: Breach of Implied Warranty
- ☐ Count VIII: Fraud
- ☒ Count IX: Negligent Misrepresentation
- ☒ Count X: Breach of Consumer Protection Statutes of the state(s) of:

-
- ☐ Count XI: Wrongful Death
 - ☐ Count XII: Survival Action
 - ☐ Count XIII: Loss of Consortium
 - ☒ Count XIV: Punitive Damages
 - ☐ Other State Law Causes of Action as Follows:

12. Fraud Count: Plaintiff adopts, incorporates and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Fraud Count must be set forth here:

N/A

13. **Express Warranty Count:** Plaintiff adopts, incorporates, and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Express Warranty Count must be set forth here:

N/A

14. Plaintiff(s) further bring claims against the following additional Defendants who are not listed above, and such claims are based upon the following grounds:

| Defendant | Grounds |
|-----------|---------|
| N/A | |
| | |
| | |
| | |
| | |

| Defendant | Grounds |
|-----------|---------|
| N/A | |
| | |
| | |

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Long Form Complaint in MDL 2875 in the United States District Court for the District of New Jersey.

07/09/2021

Date

/s/Justin Parafinczuk

/s/

Justin Parafinczuk

Attorney Name

Parafinczuk Wolf PA

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